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Genocide definition

Fri, 24 March 2006 Touch Bora

Alex Hinton is incorrect to claim that Raphael Lemkin (1944) included groups other than national and ethnic groups (PPPost, Jan 21, 2006).

Lemkin stated "by 'genocide' we mean the destruction of a nation or of an ethnic group" by destroying the group's political, cultural, religious resonance. According to the UN working papers, Lemkin, along with a large majority of member states, supported

the exclusion of political groups from the Genocide Convention of 1948. The UN Resolution

1946, which included political groups, is not legally binding.

I disregarded Hinton's references to a "broader range of evidence" of "demographic studies, forensic analysis, mapping surveys, eyewitness testimonies" because

(1) they are not specific enough for me to be able to respond, and (2) those existing studies are not relevant to the issue of proof of genocidal intent. The existing studies are about the number and manner of deaths and the location of graves. No Cham or Vietnamese remains or graves are mentioned in those studies.

I stated that Ben Keirnan inflated the Cham figures for the following reasons: The census figure of the Chams in 1936 was 73,000. For 1936-1975, if the growth rate was 2.7 percent a year (and disregarding the Cham victims among the 600,000 killed by wars/US bombing 1969-1975), the Cham population would have been 213,555 by April 1975. The then government's standard growth rate however, was 2.2 percent a year, according to which the Cham population would have been about 172,448 by April 1975. Kiernan's Cham figure was 250,000 by 1975, of whom 90,000 died during 1975-1979. The only reason for the 1975 figure of 250,000 was the addition by Kiernan of 20 percent on top of the extrapolated 1936 census figure. Of note, the Interior Ministry's 1st Semester Cham Statistics Report of 1995 showed that there were 203,881 Chams. If this figure represented the growth from the PRK government's census of 182,256 Chams in 1982, the figure of Chams in April 1975 would have been significantly reduced from my figure above as it implies the growth rate of 0.081% p.a.

As to Hinton's suggestion: "[Kiernan's] rate of Cham mortality was 36 percent... suggests that there was a genocidal intent to destroy Chams" (leaving Kiernan's exaggeration aside), Hinton is also incorrect. Legal scholars generally agree that quantitative criteria alone are not the determinative factors in proving genocide.

Putting propaganda to one side, Hinton's claim that "most remaining ethnic Vietnamese appear to have perished during DK" has no basis. Admittedly, a number of Vietnamese died in DK, but there were several thousand Vietnamese who returned to Vietnam after the (7 January) 1979 invasion. Over 5,000 were housed in the 979/Son Be Camp in Vietnam (called "979" because the Camp was opened in September 1979. About the same time, there was also a Vietnamese refugees camp, "Tent Yuon", in Rythisen base/camp on the Thai-Khmer border housing thousands of Vietnamese.

Without informing his readers of the KR letter's date, name or location of his claimed sub-district office, Hinton insisted on its existence, pointing to Sreng's confession as evidence. In fact, Cheur Sreng's 204 pages of confession say nothing about the existence of a sub-district office or that "the sub-district" was "a meaningful administrative unit".

Further, the fact that the S-21 documents are "incomplete" does not assist

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Hinton's argument that such a policy existed. That said, there are sufficient KR documents on the Northern/Central Region's security, for example, KR cadres' confessions such a Sreng, (who was Ke Pauk's deputy and the Secretary of Zone 41 covering Kampong Siem and Kang Meas, and where Hinton claims the letter was spotted), Koy Thoun, Kheing Horn, Pao Young, Min Em, Aen Um, Hak Ly, Mon Chan, Math Man, Sieng Phon, Chan Kaom; telegrams/reports especially from Ke Pauk (1975-1978) and on security issues, such as the ones of Mar. 2, 1976, Nov. 30, 1975, April 1978, and May 4, 1978. From these materials (coupled with my interviews with DK policy-makers), it can safely be concluded that there was no such intent or "letter" to eliminate Chams or Vietnamese because of their ethnicity.

As far as genocidal intent is concerned, mixed ethnic composition of the policy-makers is most relevant to the issue of intent and not "an odd line of reasoning" as Hinton states. If someone kills others from their own group, it is more likely to be motivated by other (security) reasons and not by the requisite intent to destroy the ethnic group "as such."

The wrong information of Khmer doeum (KD) or "Original Khmer" being Pol Pot's pen name was first given by Keng Vansak to Kiernan from whom David Chandler quoted.

KD's noted article appeared in the August 1952 edition of Khamarak Nisset newsletter. Vansak told the author he did not know who KD was. KD was not Pol Pot's pen name; it was Hou Youn's. And neither was original Khmer. Additionally, Pol Pot's obvious Sino ethnicity has been mentioned by Phillip Short and Hin Sithan. Sithan himself said he is of Sino origin and is related to Nuon Chea whose real Sino name was Lao Peng Kun. Ieng Sary's original Vietnamese name was Tran Kim, who still carries a Vietnamese accent. Duch (S-21) maintains his real Vietnamese surname Kaing (Can) Kek Eav. Like Sary, Duch speaks Vietnamese without an accent. Nuon Chea is still holding the Chinese traditional Kong-Ma festival.

Generally, Sino and Cham Khmer regard themselves as Khmer or Islamic Khmer respectively,

except when pressed. The same applies to the KR leaders. The Communist Khmer of Cham, Sino and Viet descent were integrated into one belief: communism, which was not a Khmer cultural/traditional characteristic and all were called "Kampuchean",

a new term devoid of ethnic resonance.

There were two non-ethnic Khmer "Prasith" and one Sos Man in the KR hierarchy and their deaths had nothing to do with their ethnicity.

Ambassador (Thiounn) Prasith, who in his biography told the Communist Party about his Vietnamese ethnicity, is in the US. Another (Tea) Prasith (the older brother of the current Defense Minister Tea Banh) was Secretary of Koh Kong Zone and was killed in 1974 as a result of his fierce insistence on his zone's autonomy.

Sos Man, an ethnic Cham, was the Chairman of the KR Kanak Chalana Khmer-Islam or the Movement Committee of the Islamic Khmers (MCIK) . He was the father of Mat Ly.

Sos Man was not killed. He died of natural causes at his home in 1977 in T'bong Khmum.

After his death, his son Mat Ly was appointed Deputy-Secretary of the strategic T'bong Khmum district in 1978. Mat Ly also resumed the MCIK Chairmanship in addition to his position at the KR National Assembly's Steering Committee.

Bora Touch, Sydney

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